

They had to pay out millions of dollars to assistant coaches who they would only allow to receive—I forget what the ridiculous sum was—\$12,000 a year, \$8,000 a year. The coaches sued them and, of course, the NCAA lost. They had to pay that judgment. They lose all the time in court.

To avoid scrutiny on them, this is an effort to throw out a red herring, something maybe people will take after, rather than who they should take after, and that is them.

This legislation, supported by my friend from Kansas who comes here all the time and talks about it—I know Senator JOHN MCCAIN, the senior Senator from Arizona, also favors this legislation—does nothing to address the problem of illegal gambling on college sports. No one supports illegal gambling on college sports except illegal bookies. They will be the primary beneficiaries of the legislation. That is not me speaking. I read to the Senate a few excerpts from editorials around the country.

A friend of mine called me. I care a great deal about her. She has recently suffered the loss of her husband. She has some money as a result of that—not a lot but a little bit. Someone called her and said—I won't mention a name—if this legislation passes, talking about the Brownback legislation, if it passes, you give me \$20,000. At the end of 1 year I will give you \$200,000 because that is how much money I can make by taking illegal bets. I can't do it now because people who want to bet come from all over the country to bet legally in the State of Nevada.

Illegal bookies love this legislation. One who I heard from in the heartland of America told me—not in Kansas but very close to Kansas—this will be the best thing that Congress could ever do for his business.

I have spoken to law enforcement authorities. There is no question that one of the scandals—referring to Arizona State, where there was some illegal betting taking place on Arizona State—was discovered because Nevada reported it. They could tell something was wrong because of heavy betting on Arizona State. You can bet a little on Arizona State football, but their basketball team has never been much to bet on. They could tell because of the betting that took place at Arizona State that something was wrong. They notified authorities, and that is where the arrest took place. That is where they were able to make a case against the illegal betting taking place at Arizona State.

What we should do is look at a way to stop illegal betting on college campuses. College presidents are concerned about it, as well they should be. Remember, what is going on in Nevada is legal and involves less than 2 percent of gambling in our country. Eliminating gambling legally in the State of Nevada on college games will do nothing but help illegal gambling on college campuses. We don't need new laws. We need better enforcement.

John Sturm, whom I quoted earlier, President of the Newspapers Association of America, in a letter to the House Judiciary Committee, made clear, basically, if Congress prohibits gambling in Nevada on college sports, it is not going to stop anything that goes on in the rest of the country. Certainly it is not going to stop newspapers from publishing these lines.

President Sturm also dispels another myth perpetrated by the National Collegiate Athletic Association that people use the spreads to place illegal bets. In fact, a recent Harris poll found that 70 percent of those who look at point spreads do so only to obtain information, such as me, about a favorite college team, about information on upcoming college games.

Another myth paraded around by the proponents of banning legal wagering on college games is that this is done because of a unanimous vote by the members of the National Commission to Study Gambling. Wrong again. That vote was very close. One of the members of the committee was from Nevada. He abstained. He said if he had been called upon to vote, it would have been a 5-4 vote. That is far from unanimous. The reality is, this proposal was given little consideration by the commission. They had many other things to talk about. The proponents of the ban have the right to their opinion, but they are absolutely wrong. Their opinion in this case lacks substance.

We need to step back and take a look at this. We need to understand the legal business of America is not going to lay down and say, OK, run over us. There has been some criticism about not letting this bill go forward, not having a time agreement on it.

This is something we need to talk about. This involves not illegal gambling on college games—if they want to enforce the law that now prohibits illegal gambling or if they want to pass a new restriction on illegal gambling, I will stand beside them and do that—we are talking about less than 2 percent of the gambling that takes place on college games and it is done legally.

Danny Sheridan, one of the top oddsmakers in America, USA Today, sets the line. He came to Washington. He has talked to a number of Members of Congress. He said: I will talk to whomever you want to talk to. He said: I don't gamble but I set the line. I will continue to do it no matter what they do in Nevada.

We have had people parading on the floor—I shouldn't say "parading." We have had a couple people talk on several occasions about how bad what goes on in Nevada is. We are not going to go without offering a response to that. The time has come to offer that response.

The other thing that flabbergasts me about this is, we have people who have come to Congress who say their No. 1 issue is to make sure they protect States rights. States should be able to do what they want to be able to do.

Well, we find a real problem with that sometimes. Take, for example, products liability legislation. I practice law. The State of Nevada had a different set of standards than did Utah, Arizona, California, other States in the country. They are not all the same. But we developed those standards over the years in the State of Nevada. It is not right that Congress comes in and says: We are going to change them. We are going to have one standard system for everybody.

Well, that is what States rights is all about. It is not what States rights is all about in this instance. The State of Nevada made a decision in 1932 that they were going to allow legal gambling. People should leave the State of Nevada alone. There are no scandals involved in college betting in Nevada. We do our best to protect the integrity of what goes on there with strict requirements. Obtaining a gambling license in the State of Nevada is not a right; it is a privilege. They are very hard to get. Very strict scrutiny goes to anybody who can run one of these sports books. I must say there is not much scrutiny given to the illegal bookings and charging of exorbitant fees, making all this money, and having all this underreported income. It seems that people should be happy with what Nevada has done on its own. It is a matter of States rights. Why don't they leave us alone?

NCAA President Cedric Dempsey was quoted last year as estimating that illegal wagers would be closer to \$4 billion a year. In Nevada, they wager about \$60 million a year. That is a small part of \$4 billion. So I hope people of goodwill—Democrats and Republicans—will look at this legislation and try to understand how unfair it is and how it is going to only exacerbate a problem we have with people betting on college games illegally. It won't make it better; it will make it worse.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2912

Mr. REID. Mr. President, I understand S. 2912, introduced earlier today by Senator KENNEDY and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2912) to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

Mr. REID. Mr. President, I ask for its second reading, and I object to my own request on behalf of the majority.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the following legislative day.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator should be advised all remaining time is under the control of the majority.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed as if in morning business.

Mr. REID. Until a Member on the majority side shows up.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. KENNEDY. Mr. President, earlier in the day, I was pointing out that the pending business is the Elementary and Secondary Education Act of 1965. We are in the process of reauthorization and had more than 22 hearing days on that legislation. We had an extensive markup on that legislation. We began debate in early May. Over the period of 6 days, we had 2 days when we were not permitted to offer any amendments, and we ended up with rollcalls on 7 amendments; 2 of those were virtually unanimous votes. On May 1, we had floor debate only. May 2, we had floor debate only. On May 3, we had a Gorton amendment, changes in Straight A's, 98-0. A Democratic alternative, which was a completely different approach, was the first major amendment. On May 8, a Collins amendment was a voice vote, and on May 9, a Gregg amendment on teachers, 97-0. There were 8 amendments. We had 6 days of debate. Two were debate only. We had only 7 rollcalls; 2 of those rollcalls were unanimously accepted.

I believe this is a matter of significant priority for the American people. On the bankruptcy legislation, we had 16 days of debate and considered 55 amendments. With all respect to the importance of that particular issue, it seems to me the issue of good quality education in K through 12, and the role we have on that issue, is of central importance.

I am mindful that the majority leader himself said he believed this was an important matter. He gave the assurances to the Senate going back to January 6, 1999:

Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

January 29th, 1999:

But education is going to have a lot of attention, and it's not going to be just words.

Then on June 22, 1999:

Education is number one on the agenda for Republicans in the Congress this year.

In Remarks to the U.S. Chamber of Commerce, February 1, 2000:

We are going to work very hard on education. I have emphasized that every year I have been majority leader. . . . And Republicans are committed to doing that.

February 3, 2000:

We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

April 20, 2000: The majority leader said his top priorities in May included agriculture sanctions, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills.

May 1, 2000:

This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

May 2, 2000: Senator LOTT was asked on ESEA: Have you scheduled a cloture vote on that?

No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of American people all across this country and every State, including my own State. For us to have a good, healthy and even a protracted debate and amendments on education, I think, is the way to go.

That has been the end of it since May 2. Always something else has come up. Always something else came up in May. Always something else came up in June. Always something else came up in July.

It does seem, even with this week, we are now at 4 o'clock in the afternoon of a Tuesday. We could have had some debate on this on Monday or today.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GORTON). The hour of 4 o'clock having arrived, morning business is closed.

Mr. CRAPO. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Presiding Officer, in his capacity as Senator from Washington, objects.

The legislative clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 4733

Mr. LOTT. Mr. President, I had hoped we could come up with some compromise agreement about how to proceed to the energy-water appropriations bill, with regard to one section

that is very important to a lot of different Senators. We have not come to an understanding on that yet, but I have to take steps now to move toward the consideration of the energy and water appropriations substance.

So I ask unanimous consent that the Senate proceed to consideration of Calendar No. 688, H.R. 4733, the energy and water appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. There is objection?

Mr. KENNEDY. Reserving the right to object, Mr. President. Am I recognized, Mr. President? I object. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, let me renew my request for that, and under a reservation of the right to object, I would be glad to respond.

If the Senator would prefer, I would be glad to—

Mr. KENNEDY. I have to get recognition by the Chair in order to be able to proceed. I felt I was denied that recognition.

I had every intention to exchange—

Mr. LOTT. I say to the Senator from Massachusetts, I think there is a misunderstanding. I again ask unanimous consent that the Senate proceed to the consideration of Calendar No. 688, H.R. 4733, the energy and water appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

Mr. KENNEDY. Objection.

The PRESIDING OFFICER. Objection is heard. The majority leader has the floor.

Mr. LOTT. Mr. President, I am disappointed there is an objection. It was my hope we could come to an agreement on how to proceed to this bill in a timely way. I hope we can at least proceed to the bill and begin the amendment process to resolve the differences that may be involved. The Democrats have mentioned section 103 involving the Missouri River is a problem. I understand that. I think once we get to the bill we can resolve that problem.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to the bill, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 688, H.R.